

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

WP(C).No. 23424 of 2007(L)

PETITIONER:

DAVID JOHN T.V., S/O.LATE T.L.VARGHESE,
AGED 64, P-77, 9TH MAIN, SECTOR-12,
JEEVAN BHIMA NAGAR, BANGALORE-560 075, REP. BY P/A
T.V.MARY TRESA PHILOMINA, D/O.LATE T.L.VARGHESE,
AGED 72, THEKKEPALAKKAL (H), KATTOR P.O., KALAVOOR
VILLAGE, AMBALAPUZHA TALUK, ALAPPUZHA DISTRICT.

BY ADV. DR.V.N.SANKARJEE

RESPONDENTS:

1. ADDITIONAL DISTRICT MAGISTRATE,
ALAPPUZHA.
2. EXECUTIVE ENGINEER, ELECTRICAL MAJOR
SECTION, ALAPPUZHA.
3. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SECTION OFFICE, K.S.E.B,
PATHIRAPPALLY.
4. JANOVA PHILIP, W/O.PHILIP,
AGED ABOUT 50, THEKKEPALAKKAL HOUSE,
KALAVOOR VILLAGE, KATTOOR MURI, KATTOOR P.O.,
AMBALAPUZHA TALUK, ALAPPUZHA DISTRICT.

BY ADV. SHRI.P.P.THAJUDEEN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 23424 of 2007

Dated, this the 3rd day of August, 2007

J U D G M E N T

This writ petition is filed apprehending drawl of electric line over petitioner's property without his consent. Petitioner alleged that in the course of considering the application of the KSEB, the ADM has not heard him. On going through the sketch produced by the learned Standing Counsel for the KSEB, I feel the apprehension of the petitioner is out of place because line proposed is over a pathway which is stated to be a panchayat road. Learned counsel for the petitioner submitted that petitioner has surrendered his property for construction of panchayat road. It is not known whether petitioner retains title over the road or pathway. Even if petitioner is the owner of the pathway, petitioner's right as such, will not be affected by drawl of electric line over the pathway. This writ petition is, therefore, closed directing KSEB to draw the line over the pathway / panchayat road, but without encroaching upon petitioner's private property.

(C.N.RAMACHANDRAN NAIR, JUDGE)